



IT IS ORDERED

Date Entered on Docket: August 30, 2018

The Honorable Robert H Jacobvitz  
United States Bankruptcy Judge

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO**

In Re:

Michelle Geraldine Ament,

*Debtor*

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CASE NO. 17-10314-j11  
(Chapter 11)

**ORDER ON CITY BANK'S MOTION  
FOR RELIEF FROM THE AUTOMATIC STAY**

On May 31, 2018, the Court held a status conference on City Bank's *Motion to Lift Automatic Stay and Deem Property Abandoned* ("Stay Relief Motion") [Dkt. No. 26]. The status conference was held in conjunction with the preliminary hearing on Debtor's *Motion to Sell Real Property Free and Clear of Liens under Section 363(f)* ("Motion to Sell"). Out of the status conference and the preliminary hearing, the Court entered three separate orders: Order Setting Deadlines [Dkt. No. 107]; Order Resulting from Preliminary Hearing on Motion to Sell [Dkt. No. 108]; and Order Resulting from Status Conference on Motion for Relief from Stay [Dkt. No. 109]. Pursuant to the Order Setting Deadlines and the Order Resulting from Status Conference on Motion for Relief from Stay, the Court ordered that the relief requested in City Bank's Stay

Relief Motion would be granted without further notice and hearing if the Debtor failed to file a plan and disclosure statement on or before July 16, 2018. *See* Dkt. Nos. 107 & 108.

On July 30, 2018, the Court entered its *Order Vacating Final Hearing on Motion for Relief from Stay, Extending Deadline for Happy Camper Management, LLC and the Chapter 7 Trustee to Object to the Motion for Relief from Stay, and Setting Final Hearing on Timely Filed Objections* [Dkt. No. 132] wherein the Court granted Happy Camper Management, LLC and Clarke Coll, Chapter 7 Trustee, until August 21, 2018 to object to City Bank's Stay Relief Motion and reset the Final Hearing on the Stay Relief Motion to August 31, 2018 at 8:30 a.m. The order also provided that City Bank may submit an Agreed Order granting the Stay Relief Motion prior to the Final Hearing.

The Court has reviewed the docket in this case and finds that the Debtor has failed to file a plan and disclosure statement on or before July 16, 2018 as required by the Order Setting Deadlines and the Order Resulting from Status Conference on Motion for Relief from Stay. Further, the Court finds that neither Happy Camper Management, LLC nor Clarke Coll, Chapter 7 Trustee, has filed objections to City Bank's Stay Relief Motion. Further, the Court finds that the relief granted in this Order is approved by Happy Camper Management, LLC and Clarke Coll, Chapter 7 Trustee, as noted by their signature blocks contained herein. Consistent with the Court's rulings on the record at the status conference and preliminary hearing, and with the Order Setting Deadlines, the Order Resulting from Status Conference on Motion for Relief from Stay, and the Order Vacating Final Hearing on Motion for Relief From Stay,

IT IS HEREBY ORDERED:

City Bank's Stay Relief Motion is hereby GRANTED.

ORDERED FURTHER that the automatic stay which was entered pursuant to 11 U.S.C. § 362 is lifted against the real property described in the Mortgage and Security Agreement between City Bank, the Debtor, and Eric Ament dated June 27, 2013 and the Mortgage between City Bank, the Debtor, and Eric Ament dated February 11, 2003 as more particularly described in City Bank's Stay Relief Motion.

ORDERED FURTHER that City Bank is authorized to exercise any and all remedies afforded it pursuant to the terms of the Notes, Mortgage and Security Agreement, Mortgage, and Commercial Security Agreement executed by and between the Debtor, Eric Ament, and City Bank, including but not limited to the continuation of the foreclosure action pending in the Twelfth Judicial District Court, State of New Mexico, *City Bank v. Lincoln Auto Brokers, LLC, Eric S. Ament, Michele G. Ament*, Case No. D-1226-CV-2016-00249. The Trustee shall not be named as a party in the foreclosure proceeding.

ORDERED FURTHER that to the extent there is any surplus or excess after satisfaction of the secured claims, such excess, if any, shall be turned over to the estate.

ORDERED FURTHER that the automatic stay is not modified to permit any act to collect any deficiency or other obligation as a personal liability of the Debtor, although the Debtor can be named as a defendant in litigation to obtain an *in rem* judgment or to repossess the Property in accordance with applicable non-bankruptcy law.

ORDERED FURTHER that the relief granted herein shall be effective upon entry of this Order.

All other relief not specifically requested is denied.

###END OF ORDER###

Respectfully Submitted:

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CHAPTER 7 TRUSTEE

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